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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,311	09/08/2003	David K. Haller	TEC1209 - 01	9728
832	7590	08/23/2004	EXAMINER	
BAKER & DANIELS 111 E. WAYNE STREET SUITE 800 FORT WAYNE, IN 46802			TRIEU, THERESA	
			ART UNIT	PAPER NUMBER
			3748	

DATE MAILED: 08/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/657,311	HALLER ET AL.	
	Examiner Theresa Trieu	Art Unit 3748	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
 THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 8-13 is/are allowed.
- 6) Claim(s) 1-3 and 7 is/are rejected.
- 7) Claim(s) 4-6 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on June 28, 2004 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date 09/08/03 & 01/16/04.
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Receipt and entry of Applicants' Preliminary Amendment filed on June 28, 2004 is acknowledged.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Crum et al. (Crum) (Patent Number 5,772,411).

Regarding claims 1-3, as shown in Fig. 1, Crum discloses a compressor assembly comprising:

- a housing (11) defining an interior plenum (18) and having an inlet opening (52);
- a stationary scroll member (24) fixed within the housing;
- an orbiting scroll member (30) disposed within the housing and engaged with the stationary scroll member;
- an oil sump (54) disposed within the interior plenum;
- a shaft (34) rotatable about a shaft axis, the shaft operably coupled with the orbiting scroll member (30);
- a motor (44) operably coupled with the shaft;

a crankcase (40) fixed within the housing and disposed between the orbiting scroll member and the motor, the crankcase having a thrust surface (88) engageable with the orbiting scroll member (30) and defining a first opening (not numbered; however, clearly seen in Fig. 1, the crankcase including a bearing support portion (66) defining a second opening (not numbered; however, clearly seen in Fig. 1), the shaft (34) freely extending through the first opening and extending through and bearingly supported at the second opening;

the crankcase (40) having a shield portion (not numbered; however, clearly seen in Fig. 4) extending from proximate the first opening to proximate the second opening and defining a partial enclosure for the shaft (34) between the first opening and the second opening; the shield portion defining an aperture (80) providing fluid communication between the interior plenum (18) and the partial enclosure, the aperture axially extending from proximate the first opening to proximate the second opening, the shield portion circumferentially extending about the shaft through an arc of at least 180 degrees and spaced radially outwardly of the shaft; and

a sheet-like baffle member (46) secured to the crankcase (40) and positioned proximate the inlet opening (52).

Regarding claims 2, 3 and 7, Crum further discloses a counterweight (70) disposed on the shaft (34) between the first and second openings within the partial enclosure; the baffle member (46) being positioned radially outwardly of the aperture (80- see Fig. 2); the shield portion circumferentially extends about the shaft (34) through an arc of at least about 270 degrees.

Allowable Subject Matter

2. Claims 4 -6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
3. Claims 8-13 are allowed.

Prior Art

The IDS (PTO-1449) filed on September 8, 2003 and January 16, 2004 has been considered. An initialized copy is attached hereto.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and consists of four patents.

Sawai et al. (Patent Number 4,886,435) discloses a scroll compressor with intermittent oil supply passage.

Shiibayashi et al. (Publication Number 61-112795) discloses a sealed type scroll compressor.

Nakagawa (Publication Number JP 03-054391) discloses an oil injection type compressor.

Perevozchikov (Publication Number JP 2002-122083) disclose a scroll compressor having a fluid injection passage to a movable pocket between both scrolls.

Communication

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theresa Trieu whose telephone number is 703-308-6434. The examiner can normally be reached on Monday-Friday 8:30am- 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E Denion can be reached on 703-308-2623. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TT


Theresa Trieu
Patent Examiner
Art Unit 3748